

1. I have some difficulties with Graham Allison's paper entitled "Guidelines for CIA Foreign Intelligence Activities: An Overview of the Forest." In his opening paragraphs Professor Allison states:

"The hardest problem is to step back from the trees and get a broad view of the forest."

My difficulty is that I think Allison has focused too much on the forest and hasn't sufficiently examined the trees that compose it.

2. One of my first difficulties is what I consider to be a lack of specificity in terms when Allison is talking about "guidelines" and "a code of ethics." He almost uses the terms interchangeably. I believe there is more than a semantic difference. Guidelines strike me as a set of strictures, imposed in an institutional and impersonal sense, which guide the activities of all associated with an identified organization. In the federal structure, if such guidelines are issued by lawful authority, they become a condition of employment at such time as the oath of office is taken. A "code of ethics" is a more personalized set of rules which each employee, actual or prospective, must sign and thereby agree to abide with those strictures. Examples can be found to prove the point. Most universities having the "honor system" carry a warning in their catalogs that cheating is not permitted---this is a guideline. In addition to that, however, the students sign a document agreeing to abide by the "honor code" and submitting themselves to the jurisdiction of the "honor code court." Again I say, however, I do not note a clear distinction in Allison's use of these two terms.

3. I also have some difficulty with Allison's concepts of "political viability" and a "surrogate process." In the first instance he says:

"In my view, the fundamental principle is that the President (and government) should not undertake actions in secret that could not in principle be defended to the American public and meet the test of political viability."

I think the matter of "defending to the American public" and meeting the test of "political viability" are not necessarily wisely joined together. I believe there are at times things that not only can be defended to the American public but which the American public very much wants and yet for partisan or other reasons cannot meet a test of "political viability." While not a secret action, I believe President Wilson's desire to bring the United States into the League of Nations was desired by the American public but did not meet a test of "political viability" because of animosity between the Presidency and certain senior leaders of the United States Senate. As it pertains to the "surrogate process" Allison is engaging in a constitutional development not envisioned by the framers of that document. At the same time the framers of that document were aware of, and in

certain cases, participated in covert actions that helped found this country. In this same connection Allison brings up considerations not envisioned when the Hughes-Ryan amendment was passed and goes on to say, "these committees' lack of sanctions for members' unauthorized disclosure gives individual congressmen a virtual unilateral veto over the majority opinion in Congress about these matters;". I see no safeguards in a "surrogate process" that would prevent the very same result criticized by Allison that has come out of the Hughes-Ryan amendment.

4. It seems to me we have had a tremendous growth of guidelines commencing in August of 1973. It was at that time the then Director (Colby) directed the issuance of the first set of prohibitions designed to prevent a recurrence of those ills described in the document known as the "family jewels." A vast expansion of regulatory guidelines, specific issuances by successive Directors, two Presidential Executive orders, and draft legislation have all followed. We may need a simplification and codification of guidelines, but more we do not need. I just do not see how a code of ethics would "inspire intelligence professionals to courage, inventiveness." The complaint heard today is that the guidelines are stifling. A code of ethics cannot allow that to happen which goes beyond the parameters of the guidelines. Whence then comes the contribution to courage and inventiveness.

5. In summation I believe the paper by Allison is a thought-provoking undertaking and might be somewhat of value to those uneducated in the issues. I do not believe, however, it makes its case for a "code of ethics" and I think it contains some internal contradictions that somewhat mitigate its value.